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Paper No. 10

In re Application of
Kari Holopainen *et al*
Application No. 09/871,534
Filed: May 31, 2001
Attorney Docket No. 9926.1016

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: DECISION ON PETITION
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This is a decision on the petition filed by facsimile transmission on April 15, 2003, as resubmitted by facsimile transmission on August 22, 2003. The relief requested by petitioners is the withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated July 10, 2002. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because a timely and proper reply was in fact filed in response to the outstanding Office action. Petitioners support this allegation by including a copy of the reply and a copy of a post card receipt showing that the reply was in fact received in the Office on August 5, 2002, a date within the period set for filing a reply to the July 10, 2002 Office action. Based upon this evidence, it is clear that the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on August 5, 2002.

PETITION GRANTED.

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